



City of
Peterborough

TO: Members of the Planning Committee

FROM: Malcolm Hunt, Director of Planning and Development Services

MEETING DATE: May 11, 2009

SUBJECT: Report PLPD09-025
1625 Sherbrooke Street

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law for the property known as 1625 Sherbrooke Street, to add 'a gymnasium or health club'; 'personal service establishment'; and a 'veterinary office' to the list of permitted uses in the SP.95, 6h, 11h – Commercial District.

RECOMMENDATION

That Council approve the recommendation outlined in Report PLPD09-025 dated May 11, 2009, of the Director of Planning and Development Services, as follows:

That the SP.95 – Commercial District on the subject property, be amended to add 'a gymnasium or health club'; 'personal service establishment'; and a 'veterinary office (excluding boarding or kennel use)' to the list of permitted uses in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD09-025.

RATIONALE

Approval of this Zoning By-Law Amendment is based upon the following:

The subject property is designated 'Residential' on Schedule 'A' – Land Use of the City of Peterborough Official Plan, and 'High Density Residential' on Schedule 'E' – Residential Density. The Residential policies anticipate uses that are complementary to residential uses and uses that serve the basic residential uses, including commercial uses. The proposed amendment to the SP.95 – Commercial District is in compliance with the Residential policies as included in the Official Plan.

The proposed uses are compatible with the local commercial zoning currently assigned to the property. The exclusion of boarding and kennel opportunity from the veterinary clinic use, ensures compatibility with the adjacent residential uses.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the approval of this recommendation.

BACKGROUND

The subject application was received on January 19, 2009. The applicant proposes to add three uses to the list of permitted uses in the SP.95 – Commercial District. The property currently supports a local commercial plaza with a stand alone convenience retail building and associated parking. The total floor area of the two buildings is approximately 1555 m² (16738 sq. ft.). The plaza building supports a combination of clinic, office and retail space. The owner has entered into tentative lease arrangements for uses that require a zoning amendment, specifically a fitness centre and tanning salon as well as a veterinary clinic (excluding boarding or kennel use).

The property was zoned SP.95, 6h, 11h by By-Law #1988-079 in April of 1988. The SP.95 – Commercial District implements the Local Commercial provisions of the Residential Designation of the property in the City of Peterborough Official Plan.

The applicant intends to add new uses to the list of permitted uses, to provide an expanded list of uses for the property. A Site Plan Agreement has been entered into and is registered on the title to the property. No exterior changes are proposed as a result of the rezoning.

ANALYSIS

a) Official Plan

Schedule 'A' – Land Use of the Official Plan, designates the subject property as 'Residential'. The 'Residential' designation anticipates the majority of the lands to be used for a variety of housing types, together with other land uses that are integral to, and supportive of a residential environment. The local commercial uses listed in the SP.95 – Commercial District are considered to be compatible with residential land uses.

Schedule 'E' – Residential Density of the Official Plan, assigns a High Density Residential designation to the subject property in addition to the abutting property to the south. The High Density Residential policies of the Official Plan anticipates residential uses in apartment buildings or medium density residential uses listed in the Official Plan which exceed the density ranges of medium density uses at a density rate of 75 to less than 110 dwelling units per hectare in this location. The introduction of local commercial uses are considered acceptable within the Residential Designation to provide a range of convenience goods and services, generally required on a daily basis, to the adjacent residential areas.

Permitted local commercial uses include personal services, small scale studio and clinic uses, in addition to convenience retail stores, small scale restaurants, small scale food stores and small scale service commercial uses such as video rental and gasoline sales outlets. The proposed zoning is therefore consistent with the intent and purpose of the Residential Designation of the Official Plan.

b) Zoning By-Law

The property is currently zoned SP.95 – Commercial District and permits the use of the lands for local commercial purposes. The existing zoning was assigned to the property in 1988. The existing permitted uses include:

- a) a bank, financial institution or loan company
- b) an office, excluding a veterinary office
- c) a clinic
- d) a barber shop
- e) a beauty shop
- f) a dressmaker or tailor shop
- g) a shoe shine parlour or a shoe repair shop
- h) a dry-cleaning establishment – Class 2
- i) a studio or craft workshop
- j) a library, museum or art gallery
- k) a restaurant

- l) a service station
- m) a retail establishment including a convenience retail store, drug store or bakeshop for the sale of:
 - i. food
 - ii. optical supplies
 - iii. books, magazines and stationery
 - iv. smoking supplies
 - v. art supplies
 - vi. floral and horticultural products
 - vii. photographic supplies
 - viii. paint, wallpaper and decorating supplies
 - ix. sporting goods (excluding boats, snowmobiles, motorcycles, motors)
 - x. pharmaceuticals
 - xi. jewellery
 - xii. radio, television, electrical and home appliances
 - xiii. clothing
- n) an establishment wherein any of the foregoing merchandise of Section p) is rented or repaired
- o) a sub-post office
- p) a dwelling unit

The proposed amendment adds 'a gymnasium or health club'; 'personal service establishment'; and a 'veterinary office' to the list of permitted uses. Planning Staff recommend that 'boarding and kennel use' be specifically excluded from the veterinary office use, to ensure compatibility with adjacent residential uses.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Agency circulation was issued on February 26, 2009.

The City's Utility Services Department request cash-in-lieu of parkland where applicable. Peterborough Utilities has requested that the consultant contact PUSI to make arrangements to provide water and electrical services to the new space.

No further agency has expressed any significant concerns or requests with respect to the proposed rezoning of the subject property.

b) Summary of Public Responses:

Notice of Complete Application was issued on February 21, 2009 by newspaper advertisement and on February 26, 2009 by mail, and Notice of Public Meeting was

issued on April 14, 2009 by direct mail and by newspaper advertisement (Peterborough Examiner) on April 15, 2009. The notices comply with the requirements of the Planning Act.

As of May 5, 2009 one written response was received from the owner of an adjacent condominium unit at 2394 Mountland Drive. The neighbouring property owner expresses concern with any outdoor use of the property for boarding or kennel purposes related to the proposed veterinarian office use. The attached draft by-law proposes that boarding or kennel uses be prohibited as a permitted use. Concern is also expressed regarding potential parking along the easterly property line between the hours of 10pm and 6am, and requests that the owner consider signage along this area to this extent. Finally, the correspondence seeks confirmation that no new electrical servicing be require to adequately supply the needs of the commercial uses. The concern relates to overhead wires, electrical poles or oil-cooled electrical transformers. Peterborough Utilities has requested that the consultant contact PUSI to make arrangements to provide water and electrical services to the new space, however, it is anticipated that the current servicing from Sherbrooke Street is adequate and that only internal connections are necessary.

Submitted by,

Malcolm Hunt
Director of Planning and Development Services

Prepared by,

Concurred with,

Caroline Kimble,
Land Use Planner

Ken Hetherington,
Manager of Planning

Contact Name:

Caroline Kimble, Planner, Land Use
Planning & Development Services
Phone – 742-7777 Ext. 1735; Fax – 742-5218
E-Mail – ckimble@peterborough.ca

Attachments:

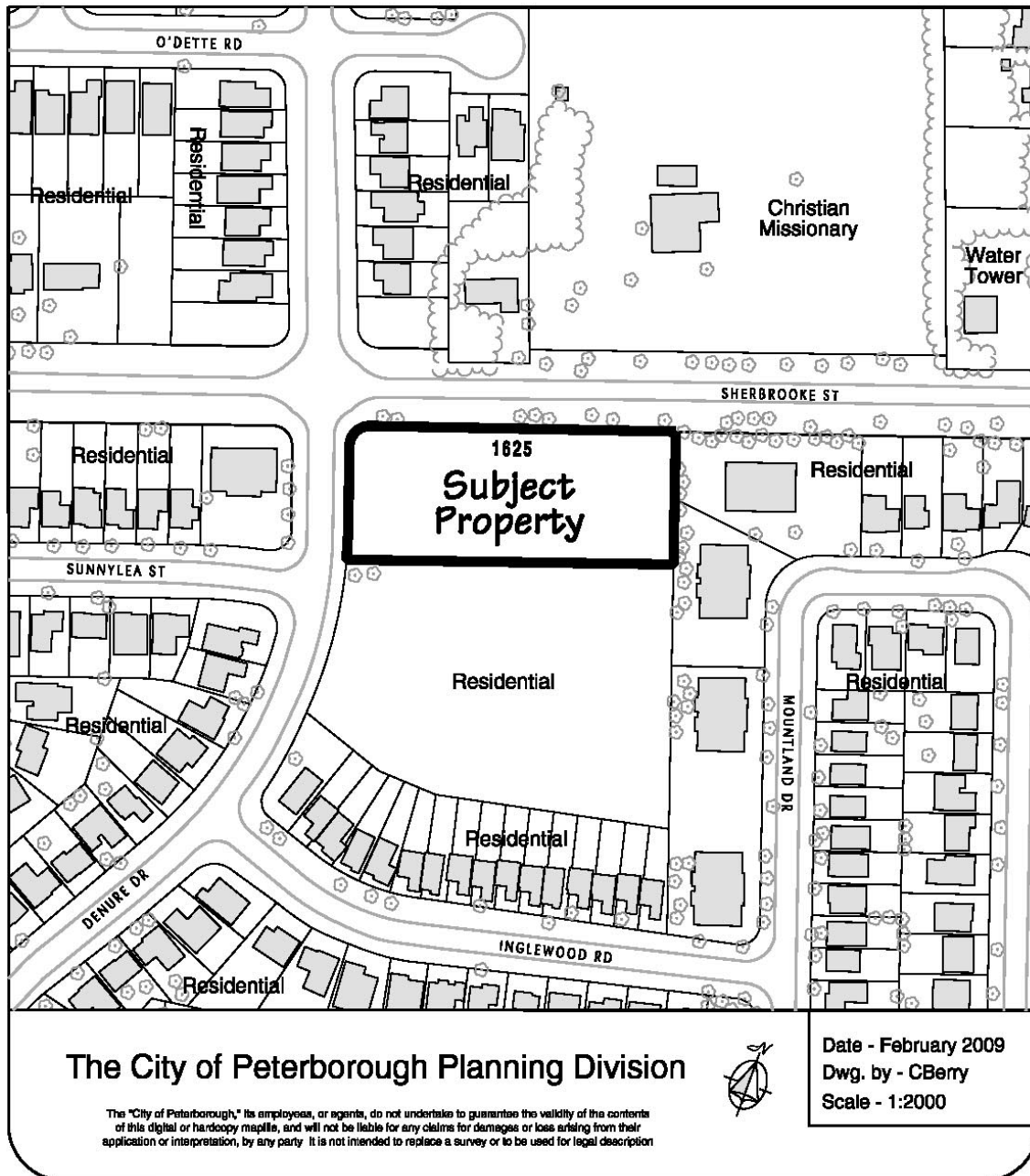
EXHIBIT A Land Use Map
EXHIBIT B Concept Plan
EXHIBIT C Draft By-law

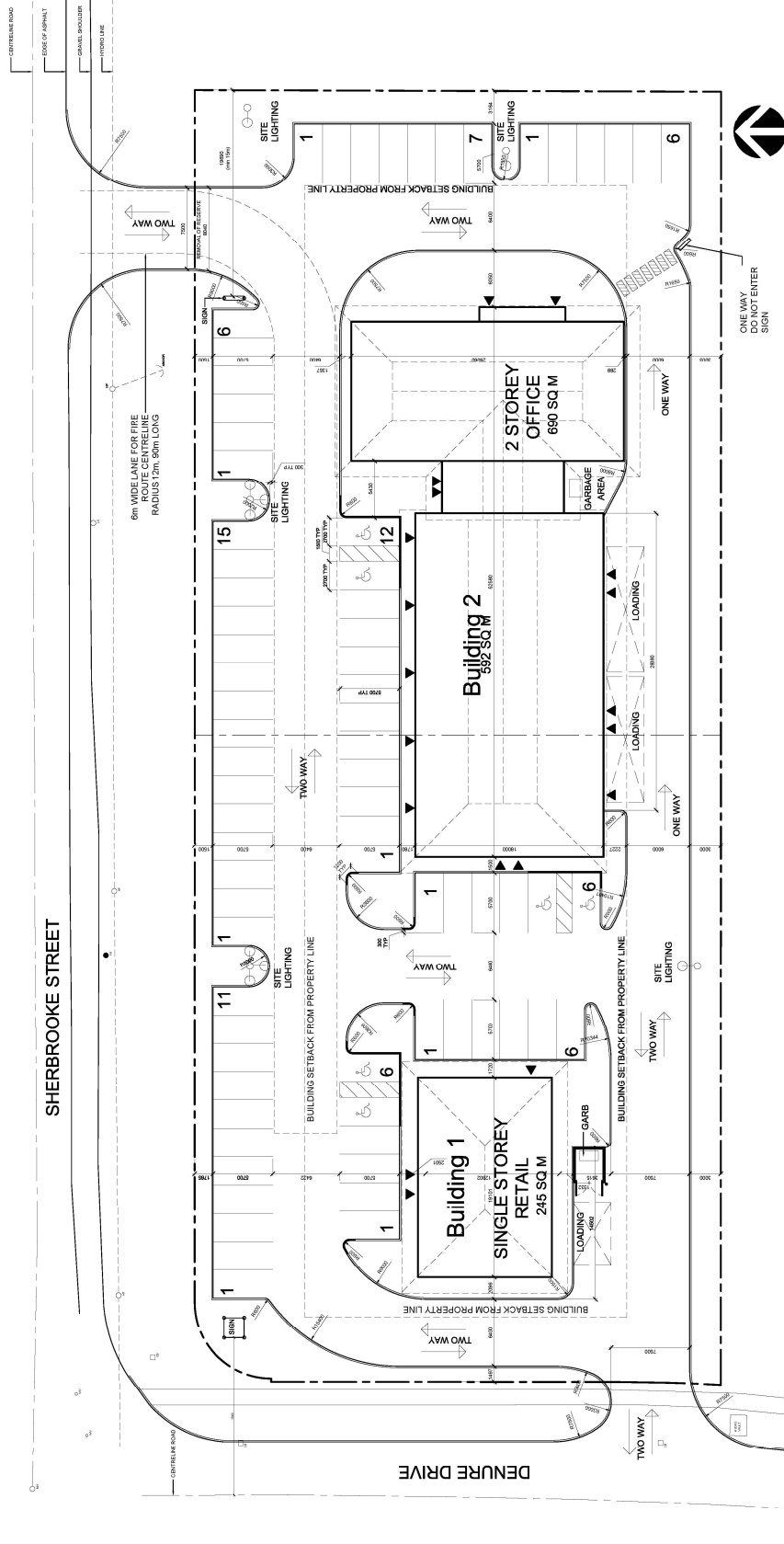
Land Use Map

Exhibit A
Page 1 of 1

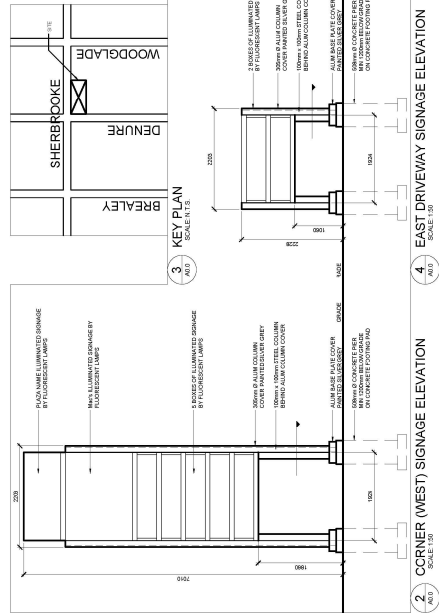
File # z0905

Property Location: 1625 Sherbrooke St





1. SITE PLAN
SCALE 1:500
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2. CORNER (WEST) SIGNAGE ELEVATION
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3. KEY PLAN
SCALE 1:125
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4. EAST DRIVEWAY SIGNAGE ELEVATION
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5. ROLLING CURB DETAIL
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6. SHERBROOKE STREET
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AREA PROPOSED DEVELOPMENT
TOTAL SITE AREA 6197sqm
MAXIMUM SITE COVERAGE ALLOWED 30% (1859sqm)
PROPOSED SITE COVERAGE
BUILDING #1 (RETAIL) 245 sqm
BUILDING #2 (OFFICE & RETAIL) 690sqm + 490 sqm
TOTAL GROSS FLOOR RATE: 1227sqm (24.7% SITE COVERAGE)
PARKING REQUIREMENTS
OFFICE PARKING @ 1/2 sqm
(345sqm-25%) 258.75sqm/28 = 9 SPACES REQ.
DENTAL CLINIC PARKING @ 1/4sqm
(172sqm-25%) 129sqm/14 = 9 SPACES REQ.
RETAIL PARKING @ 1/4sqm
(886sqm-25%) 664.5sqm/18 = 36 SPACES REQ.
TOTAL PARKING REQUIRED 59 SPACES
69 TOTAL PARKING SPACES PROVIDED
(16 BARRIER FREE)
LANDSCAPE REQUIREMENTS
MINIMUM LANDSCAPE AREA REQUIRED 10%
OF OVERALL TOTAL SITE - 619sqm
PROPOSED LANDSCAPE AREA 76.5sqm TOTAL AREA

EXHIBIT C
Page 1 of 2

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 09-_____

**BEING A BY-LAW TO AMEND THE ZONING BY-LAW FOR
1625 SHERBROOKE STREET**

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL
THEREOF HEREBY ENACTS AS FOLLOWS:

1. Section 3.9 Exceptions of By-Law 97-123 is hereby amended by adding the following:
 “.247 In addition, this land may be used for a gymnasium or health club, a personal service establishment and a veterinary office (excluding boarding or kennel use)”
2. **Map 15** forming part of Schedule ‘A’ to By-law 97-123 is amended by changing the area shown on the sketch attached hereto as Schedule ‘A’ **from. SP.95, 6h, 11h to SP.95, 6h, 11h – 247.**

By-law read a first, second and third time this _____ day of _____, 2009.

D. Paul Ayotte, Mayor

Nancy Wright-Laking, City Clerk

